

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NATHAN MARQUIS LEBARON,
Plaintiff,

vs.

MICHAEL R. SCHMITT and DEBRA
BOND,
Defendants.

NO. CV-08-006-LRS

ORDER GRANTING MOTION FOR
RECONSIDERATION, DISMISSING ACTION
AND DENYING *IN FORMA PAUPERIS*
STATUS

BEFORE THE COURT is Plaintiff's "Motion to Annul Order . . .," which the court liberally construes as a Motion for Reconsideration (Ct. Rec. 13). A motion under Fed.R.Civ.P. 59(e) "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (*en banc*) (quoting *Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)).

Due to a clerical error, Plaintiff's Inmate Transaction Report, received on May 20, 2008, was not separately filed, See Ct. Rec. 8. Consequently, it was overlooked and the court's prior finding that Mr. LeBaron had not presented a copy of his prison account statement for

1 the preceding six months as required by 28 U.S.C. § 1915(a)(2) was in
2 error. Therefore, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 13) is
3 **GRANTED**. The District Court Executive shall **re-open** this file and
4 **STRIKE** the Order Denying *in forma pauperis* Status, Dismissing Action
5 and Closing File (Ct. Rec. 12).

6 Nevertheless, Mr. LeBaron will not be permitted to proceed with
7 this action. Although Plaintiff has complied with the procedural
8 requirements of the *in forma pauperis* statute, the court finds it
9 lacks jurisdiction to consider Plaintiff's First Amended Complaint.

10 In essence, Plaintiff is challenging the Washington State court
11 proceedings that deprived him of the custody of his son. He accuses
12 his ex-wife, social workers, a guardian ad litem appointed to his son,
13 clinical psychologists, a child therapist, mental health providers,
14 educators and his attorney of engaging in a "conspiracy of mass cult
15 hysteria" to "assassinate Plaintiff's character" and deprive him of
16 rights during his son's dependency proceedings, as well as termination
17 of his parental rights.

18 As stated in the court's previous Order, a federal court is not a
19 forum for appealing state court decisions. *See District of Columbia*
20 *Court of Appeals v. Feldman*, 460 U.S. 462, 482-86 (1983). Because
21 "federal review of state court decisions is entrusted solely to the
22 Supreme Court, [the lower federal courts] may not decide federal
23 issues that are raised in state proceedings and 'inextricably
24 intertwined' with the state court's judgment." *Wood v. Orange County*,
25 715 F.2d 1543, 1546 (11th Cir. 1983), *cert. denied*, 467 U.S. 1210
26 (1984). This "bar" also "operates where the plaintiff fails to raise
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1 his federal claims in state court." *Id.* This court lacks jurisdiction
2 to hear a § 1983 claim that in essence seeks to reverse a state
3 court's child custody determination. *See Anderson v. State of*
4 *Colorado*, 793 F.2d 262, 263-65 (10th Cir. 1986). Therefore, **IT IS**
5 **ORDERED** this action is **DISMISSED with prejudice** and Plaintiff's
6 application to proceed *in forma pauperis* is **DENIED**. **IT IS FURTHER**
7 **ORDERED** any pending motions are **DENIED** as moot.

8 **IT IS SO ORDERED.** The District Court Executive is directed to
9 enter this Order, forward a copy to Plaintiff at his last known
10 address, enter judgment, and close the file.

11 **DATED** this 10th day of July, 2008.

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13 **s/Lonny R. Suko**

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LONNY R. SUKO
UNITED STATES DISTRICT JUDGE
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